

RECEIVED
CENTRAL FAX CENTER
AUG 01 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Yongdong WANG CONFIRMATION NO. 2869
SERIAL NO.: 10/689,313 ART UNIT: 2863
FILED: 10/20/2003 EXAMINER: John H. LE
TITLE: METHODS FOR OPERATING MASS SPECTROMETRY (MS)

INSTRUMENT SYSTEMS

ATTORNEY DOCKET NO.: CE-003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO ALLEGATION OF NEW MATTER IN ADVISORY ACTION

Applicant respectfully refutes that the proposed amendments to claims 50, 52, 82 and 88 in the Amendment Under 37 C.F.R. 1.116 filed on July 13, 2005, raise any issues of new matter (as suggested in the Advisory Action mailed on July 26, 2005).

The most straightforward place in Applicant's specification to find support for the amendments to claims 50, 52, 82 and 88 is the last paragraph on page 14 between line 17 and 22 where all four words are mentioned: standard, calibration, ion, and isotopes. However, the entire section between page 15, line 15 to page 17, line 4 deals with ions and their isotopes for the purpose of mass spectral calibration. This section also refers to Fig. 2A which shows an ion with its isotopes scaled up in Fig 2B. In fact, other portions of Applicant's disclosure also deal with this issue, and the specification is replete with such support.

SERIAL NO.: 10/689,313

FILED: 10/20/2003

It is thus submitted that no issues of new matter are raised. In view of the accompanying Request for Continued Examination (RCE), it is submitted that the Examiner must enter the Amendment Under 37 C.F.R. 1.116 filed on July 13, 2005, and conduct further examination of this application, and that allowance of all of the claims in this application is now in order.

Respectfully submitted,

David Aker
David Aker, Reg. No. 29,277
23 Southern Road
Hartsdale, NY 10530
Tel. & Fax 914 674-1094

8/1/2005
Date

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted on the date listed below to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date listed below.

AUGUST 1, 2005
Date

David Aker
Name of Person Making Deposit